

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.F
Mtg. Date November 15, 2016
Dept. City Manager's Office

Item Title: Determination of Disability for Disability Retirement

Staff Contact: Corinne Russell, Human Resources Manager

Recommendation:

Adopt a resolution (**Attachment A**) certifying a determination of disability for the purpose of a non-industrial disability retirement.

Item Summary:

Executive Assistant Marjorie Cappiello will be retiring December 31, 2016. She filed for a service retirement pending disability retirement. In order for the California Public Employee's Retirement System (CalPERS) to process her retirement as a non-industrial disability, a determination that Ms. Cappiello is substantially incapacitated from the performance of her job duties must be made by the City Council and submitted to CalPERS.

A resolution (**Attachment A**) presented for City Council consideration, is in the form prescribed by CalPERS.

Staff recommends that the resolution be adopted.

Fiscal Impact:

None.

Environmental Review:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section [] | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

A. Resolution

RESOLUTION NO. 2016-

RESOLUTION OF THE LEMON GROVE CITY COUNCIL CERTIFYING ITS DETERMINATION OF INCAPACITY TO THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21166

WHEREAS, the City of Lemon Grove (hereinafter referred to as "Agency") is a contracting agency of the California Public Employees' Retirement System (CalPERS); and

WHEREAS, the Public Employees' Retirement Law, California Government Code section 21166 et seq. (hereinafter referred to as the "Law") requires that a contracting agency determine whether an employee of such agency in employment in which she is classified as a miscellaneous member is disabled for purposes of the Law; and

WHEREAS, an application for disability retirement of Marjorie Cappiello, employed by the Agency in the position of Executive Assistant, has been filed with CalPERS; and

WHEREAS, the City Council of the City of Lemon Grove has reviewed the medical and other relevant information regarding Marjorie Cappiello's medical condition and history. |

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby: |

1. finds and determines that Marjorie Cappiello is substantially incapacitated from the performance of the usual duties of her position of Executive Assistant within the meaning of the Law; and
2. certifies that Marjorie Cappiello's last day on payroll will be December 30, 2016, and that she will be voluntarily separated from her employment pursuant to her application for service retirement pending disability retirement, and that no dispute as to the effective date of retirement is pending; and
3. determines that Marjorie Cappiello's retirement is to be identified as a disability retirement; and
4. authorizes the City Manager to approve and respond to any CalPERS correspondence to complete this process;
5. certifies that there is not a possibility of third party liability; and
6. certifies that the primary disabling condition is autoimmune in nature; and
7. certifies that advanced disability pension payments will not be made. |

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